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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64258

STEPHEN KOHLEY
1415 Rexford Drive #302
Los Angeles, California 90035

A C C U S A T I O N

Physical Therapist Assistant License No.
AT 6368,

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board), Department of Consumer Affairs.

2. On or about July 18, 2002, the Board issued Physical Therapist Assistant License Number AT 6368 to Stephen Kohley (Respondent). This license expired on August 31, 2005, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws and regulations. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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“The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.”

“The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

“(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction. . . .”

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.”

7. California Code of Regulations, Title 16, section 1399.20, states:

1 “For the purposes of denial, suspension or revocation of a license,
2 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or
3 act shall be considered to be substantially related to the qualifications, functions
4 or duties of a person holding a license under the Physical Therapy Practice Act if
5 to a substantial degree it evidences present or potential unfitness of a person to
6 perform the functions authorized by the license or approval in a manner consistent
7 with the public health, safety or welfare. Such crimes or acts shall include but not
8 be limited to the following:

9 (a) Violating or attempting to violate, directly or indirectly, or
10 assisting in or abetting the violation of, or conspiring to violate any provision or
11 term of the Physical Therapy Practice Act. . . .”

12 8. Section 118 of the Code states in pertinent part:

13 “ . . .

14 “(b) The suspension, expiration, or forfeiture by operation of law
15 of a license issued by a board in the department, or its suspension, forfeiture, or
16 cancellation by order of the board or by order of a court of law, or its surrender
17 without the written consent of the board, shall not, during any period in which it
18 may be renewed, restored, reissued, or reinstated, deprive the board of its
19 authority to institute or continue a disciplinary proceeding against the licensee
20 upon any ground provided by law or to enter an order suspending or revoking the
21 license or otherwise taking disciplinary action against the licensee on any such
22 ground.

23 “(c) As used in this section, ‘board’ includes an individual who is
24 authorized by any provision of this code to issue, suspend, or revoke a license, and
25 ‘license’ includes ‘certificate,’ ‘registration,’ and ‘permit.’”

26 9. Section 2661.5, subdivision (a) of the Code states:

27 “In any order issued in resolution of a disciplinary proceeding
28 before the board, the board may request the administrative law judge to direct any

1 licensee found guilty of unprofessional conduct to pay to the board a sum not to
2 exceed the actual and reasonable costs of the investigation and prosecution of the
3 case.”

4 **CAUSE FOR DISCIPLINE**
5 **(Conviction of a Crime)**

6 10. Respondent is subject to disciplinary action under Code sections 2660,
7 subdivision (d), and 2661, and California Code of Regulations, Title 16, section 1399.20,
8 subdivision (a), in that he was convicted of a crime substantially related to the qualifications,
9 functions, or duties of a physical therapist assistant. The circumstances are as follows:

10 A. On or about May 13, 2005, Los Angeles police officers in the Vice Unit
11 were conducting an undercover operation regarding prostitution activity at “Spa La Brea.”
12 Respondent entered the location and asked for a massage. He solicited the undercover officer for
13 an act of prostitution and then handed her \$100. Respondent was subsequently arrested.

14 B. On or about May 27, 2005, a complaint was filed against respondent in a
15 criminal proceeding entitled *People v. Stephen Richard Kohley*, in Los Angeles County Superior
16 Court, Case Number 5CR08769, charging him with disorderly conduct: prostitution, a violation of
17 Penal Code section 647(b), a misdemeanor.

18 C. On or about June 20, 2005, respondent was convicted upon his of plea of
19 nolo contendere to disorderly conduct: prostitution. He was placed on probation for two years.
20 The court ordered him to pay fines and assessments of \$1,615 or serve 15 days in county jail, or in
21 lieu thereof, perform 15 days of Cal Trans service.

22 **DISCIPLINE CONSIDERATIONS**

23 11. To determine the degree of discipline, if any, to be imposed on respondent,
24 Complainant alleges that on or about April 5, 2001, in a prior criminal proceeding entitled *People*
25 *v. Stephen Richard Kohley*, in San Bernardino County Superior Court, Case Number TRE32713,
26 respondent was convicted of driving under the influence of alcohol and driving with .08% or
27 higher blood alcohol level, violations of Vehicle Code section 23152, subdivisions (a) and (b),
28 respectively. Respondent was placed on probation for three years upon various terms and

1 conditions. On or about July 9, 2002, the Physical Therapy Board issued a warning letter to
2 respondent regarding this conviction. The record of this criminal proceeding is incorporated as if
3 fully set forth.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Physical Therapy Board issue a decision:

- 7 1. Revoking or suspending Physical Therapist Assistant License Number
8 AT 6368, issued to Stephen Kohley;
- 9 2. Ordering him to pay the Board the reasonable costs of the investigation and
10 enforcement of this case, pursuant to Business and Professions Code section 2661.5;
- 11 3. Taking such other and further action as deemed necessary and proper.
- 12

13 DATED: December 20, 2006

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16 Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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